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MISSOURI PUBLIC SERVICE COMMISSION

**ER-2022-0129
and
ER-2022-0130**

**REBUTTAL TESTIMONY
OF
JAMES OWEN
ON BEHALF OF
RENEW MISSOURI ADVOCATES**

July 13, 2022

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1 **INTRODUCTION**

2 **Q: Please state your name, title, and business address.**

3 A: James Owen, Executive Director, Renew Missouri Advocates d/b/a Renew Missouri
4 (“Renew Missouri”), 409 Vandiver Dr. Building 5, Suite 205, Columbia, MO 65202.

5 **Q: Please describe your current position, your education, and background.**

6 A: Renew Missouri is an advocacy group based in Missouri that appears before regulatory
7 agencies such as the Missouri Public Service Commission (“PSC” or the “Commission”)
8 and the Kentucky Public Service Commission (“KPSC”) as well as monitoring and
9 providing comments on matters before the Kansas Corporation Commission. (“KCC”).
10 Our work involves engaging as intervenors on utility rate cases, applications for
11 certificates of convenience and necessity (“CCNs”), merger and acquisition, Accounting
12 Authority Orders (“AAOs”), and energy efficiency investment portfolios. Before the
13 KPSC, I have provided general testimony on rate increases, rate design, and opposition to
14 utility proposals involving excessive fees against net metered customers as well as
15 assisted intervening groups with comments on filed integrated resource plans.

16 Renew Missouri routinely engages in workshops, providing comments and
17 serving on panels before Commissioners, regulators, and other stakeholders. Recently, we
18 have engaged in dockets involving co-generation rulemaking as well as utility responses
19 to the COVID-19 crisis. I have provided testimony before these agencies on general
20 policy involving the generation, transmission, and distribution of power. Attached as
21 Schedule JO-1 is a list of my case participation. We have also lent our expertise and
22 knowledge on legislative matters between the two states that includes issues ranging from

1 energy efficiency investments to securitization of debt held by utility companies, as well
2 as community solar.

3 In regard to my background, I am an attorney by trade and was appointed as an
4 Associate Circuit Court Judge prior to my experience in utility ratemaking. As far as my
5 education goes, I obtained a law degree from the University of Kansas in Lawrence,
6 Kansas as well as a Bachelor of Arts in Business and Political Science from Drury
7 University in Springfield, Missouri.

8 **Q: What experience does Renew Missouri have in advocating for low-income**
9 **ratepayers?**

10 A: Renew Missouri is deeply engaged with obtaining policy results that provide access for
11 low-income residents to renewable energy and energy efficiency. Through our
12 representation of nationwide groups such as National Housing Trust (“NHT”) and Energy
13 Efficiency for All (“EEFA”), Renew Missouri has secured energy efficiency programs
14 for all ratepayers as well as crafting on-bill financing tariff programs designed to aid low-
15 income customers in making improvements to their living spaces. Before the KPSC, I
16 have provided testimony for a coalition that includes the Metropolitan Housing Coalition
17 located in Louisville, Kentucky in regards to rate increases proposed during the COVID-
18 19 crisis. Additionally, Renew Missouri has worked with utility companies to develop
19 pilots to provide community solar to low-income neighborhoods. We have worked to
20 expand these efforts throughout Missouri and Kansas.

21 **Q: What work does Renew Missouri conduct in the field of energy policy?**

22 A: In my role as Executive Director at Renew Missouri, I continue to provide information
23 and testimony on pieces of proposed legislation that may impact how utility regulators

1 approach energy efficiency and renewable energy. Most recently, Renew Missouri staff
2 and myself have been developing and offering educational programs on topics related to
3 energy law and policy in Missouri on topics including demand response aggregation,
4 accounting authority orders, and our year-end update covering state and federal
5 rulemakings, PSC appeals, and energy efficiency and renewable energy updates. We have
6 provided nearly sixty hours of continuing legal education credit over the past three years.

7 **Q: Please summarize your professional experience in the field of utility regulation.**

8 A: Before becoming Executive Director of Renew Missouri, I served as Missouri's Public
9 Counsel, a position charged with representing the public in all matters involving utility
10 companies regulated by the State of Missouri. While I was Public Counsel, I was
11 involved in several rate cases, CCN applications, mergers, and complaints as well as
12 other filings. As Public Counsel, I was also involved in answering legislators' inquiries
13 regarding legislation impacting the regulation of public utilities.

14 **Q: Have you been a member of, or participant in, any workgroups, committees, or
15 other groups that have addressed electric utility regulation and policy issues?**

16 A: In May 2016, I attended the National Association of Regulatory Utility Commissioners
17 ("NARUC") Utility Rate School. In the Fall of 2016, I attended Financial Research
18 Institute's 2016 Public Utility Symposium on safety, affordability, and reliability. While I
19 was Public Counsel, I was also a member of the National Association of State Utility
20 Consumer Advocates ("NASUCA") and, in November of 2017, the Consumer Council of
21 Missouri named me the 2017 Consumer Advocate of the Year.

22

23

1 **Q: What is the purpose of your testimony?**

2 A: The purpose of my testimony is to provide analysis and recommendations on how Evergy
3 should address issues in offering Time-of-Use rates to net metering customers. In
4 addition, I will discuss Evergy's Green Pricing Renewable Energy Credit program and
5 how the Company can better serve the needs of customers through other offerings.
6 Finally, I will introduce a project in which Renew Missouri has partnered with Ameren
7 that will lead to a comprehensive energy burden study on the eastern side of the state. My
8 purpose for introducing this study is simply to ensure all relevant stakeholders who have
9 not been part of our ongoing discussions are aware as our partnership with the Company
10 is formed, as well as to ensure the Commission can weigh in on this critical issue.

11 **Time-of-Use Rates for Distributed Generation Customers**

12 **Q. Will you please briefly summarize your testimony about Time-of-Use rates for**
13 **distributed generation customers?**

14 A. In this section, I express my opinion that Evergy should conduct a comprehensive study
15 to explore the possibility for applying its proposed Time-of-Use ("TOU") rates to all
16 customers, including customers with net metered solar and other forms of distributed
17 generation ("DG"). In coming to this conclusion, I reviewed Evergy's proposed
18 modifications to its TOU rate options for residential customers and I evaluated Evergy's
19 claims as to why its TOU rates cannot work alongside DG. I examine other utilities
20 where TOU rates are successfully integrated with net metered solar and DG. Finally, I
21 provide several policy reasons as to why the Commission should ensure that TOU rates
22 are offered to net metered solar and DG customers.

23

1 **Q. How do Evergy’s newly proposed TOU rate plans work?**

2 A. Evergy established its original TOU rate structure in 2019. The plan offers Evergy’s
3 residential customers a “Three-Period TOU Rate” plan, which has a 6-times price
4 differential between the on-peak and super off-peak rates. Building on that, Evergy
5 proposes two additional TOU rate plans: 1) the Two-Period TOU Rate plan – there is a 4-
6 times price differential between the on-peak and off-peak rates in the summer and a 2-
7 times price differential in the winter; and 2) the High-Differential TOU Rate plan – a
8 three-period plan with a 12-times price differential between the on-peak and super off-
9 peak rates for Evergy Missouri Metro customers and a 10-times price differential for
10 Evergy Missouri West customers.¹ The High-Differential TOU Rate also applies to
11 electric vehicle (“EV”) customers, who are required to install a separate meter to account
12 for charging of their vehicles.² Evergy believes the TOU rate structure incentivizes
13 customers to decrease electricity consumption during on-peak hours, which helps reduce
14 system coincident peak demand.³

15 **Q. What are reasons given by Evergy that the TOU rate structure is not applicable to**
16 **DG customers?**

17 A. The primary reason Evergy provides as to why they are not offering a TOU rate plan for
18 DG customers is the perceived necessity of creating a separate TOU rate structure.
19 According to Evergy, a separate TOU rate structure for DG customers may confuse the
20 customers as the rate information will be complicated.⁴ Evergy further states that not
21 applying the TOU rate structure to DG customers complies with and is consistent with

¹ EFIS File No. ER-2022-0129, Doc. No. 17; EFIS File No. ER-2022-0130, Doc. No. 17.

² *Id.*

³ EFIS File No. ER-2022-0129, Doc. No. 23; EFIS File No. ER-2022-0130, Doc. No. 23.

⁴ *Id.*

1 state statute and Commission rules. Moreover, Evergy deems offering a separate TOU
2 rate plan to the DG customers as creating a potential challenge to the law and causing
3 inconvenience to customers.⁵

4 **Q. Do you agree with Evergy?**

5 A. No, and that's why I recommend the Commission order Evergy to conduct a
6 comprehensive study on the different TOU rate designs for DG customers, which should
7 result in a proposal for a solution for incorporating DG customers into Evergy's TOU rate
8 design. As Evergy claims, some utilities have created a separate plan for their DG
9 customers. On the other hand, there are several utilities that have managed to integrate
10 DG customers into a universal residential TOU rate structure without utilizing an entirely
11 separate plan. Determining the reasons why utilities employ different strategies could
12 help Evergy assess the feasibility of the various strategies within its own service territory.
13 Meanwhile, as Evergy worries about the potential legal challenge incurred by applying a
14 separate TOU plan for DG customers, studying the experiences of other utilities should
15 be helpful. If Evergy could eventually offer the TOU rate to the DG customers, it will
16 allow the full toolbox of distributed resources to be used for lowering peak demand and
17 providing grid resilience. More importantly, developing distributed resources is
18 indispensable for meeting the Missouri renewable energy standard ("RES") and
19 achieving the Company's goal of renewable energy transformation.

20 **Q. Which other utilities offer TOU rates for their DG customers, and how do they**
21 **structure these rate plans?**

⁵ EFIS File No. ER-2022-0129, Doc. No. 17; EFIS File No. ER-2022-0130, Doc. No. 17.

1 A. There are several examples of how utilities in other states have combined the TOU rate
2 design with DG. Many utilities in states with a deregulated electricity market allow their
3 DG customers to participate in their TOU rate plans. California, for example, has
4 mandated that DG customers must be served under a TOU rate plan since 2016, but some
5 utilities in the state had been offering optional TOU rate plans to the DG and EV
6 customers prior to the mandate being issued.⁶ Meanwhile, utilities in other states like
7 Illinois,⁷ Massachusetts,⁸ New York,⁹ Pennsylvania¹⁰ and New Hampshire¹¹ offer
8 optional TOU rate plans for their DG customers.

9 In states with a regulated retail electric market like Virginia and South Carolina,
10 several utilities also allow their DG customers to participate in the TOU rate plans. These
11 states provide a particularly useful example for Evergy to learn from in looking at the
12 experiences of other utilities, as Missouri also has a regulated retail electric market.
13 Dominion Energy in Virginia allows DG customers to register in the “Demand TOU”
14 plan, whereas the non-DG residential customers can choose either the Demand TOU plan
15 or the Energy TOU plan. In 2021, Dominion Energy started an experimental TOU rate
16 called the Off-Peak Plan. The Off-Peak Plan is available to all types of residential
17 customers, regardless of if they are non-DG customers or DG customers. However, the

⁶ “Net Energy Metering,” California Public Utilities Commission, accessed at: <https://www.cpuc.ca.gov/industries-and-topics/electrical-energy/demand-side-management/net-energy-metering>; “Solar and Time-of-Use Electricity Rates: What You Need to Know,” Energy Sage, accessed at: <https://news.energysage.com/solar-time-use-electricity-rates-need-know/>.

⁷ “Illinois Net Metering,” Citizens Utility Board, accessed at: <https://www.citizensutilityboard.org/illinois-net-metering/>.

⁸ “Net Metering Guide,” Massachusetts Electric Power Division, accessed at: <https://www.mass.gov/guides/net-metering-guide>.

⁹ *NYS Net Metering FAQ – Residential*, US Department of Energy SunShot (November 2014), accessed at: <https://www.nysolarmap.com/media/1162/residentialnysnetmeteringfaqfinal.pdf>.

¹⁰ “Net Metering,” PECO: An Exelon Company, accessed at: <https://www.peco.com/SmartEnergy/MyGreenPowerConnection/Pages/NetMetering.aspx>.

¹¹ Liberty Utilities Electricity Delivery Service Tariff – NHPUC No. 21, Authorized by NHPUC Order No. 26,376 in Docket No. DE 19-064 (July 1, 2020), accessed at: <https://new-hampshire.libertyutilities.com/uploads/GSE%20Tariff%20No.%2021%20March%201,%202022.pdf>; New Hampshire Public Utilities Commission Docket No. DE 16-576, Order No. 26,029, *Development of New Alternative Net Metering Tariffs and/or Other Regulatory Mechanisms and Tariffs for Customer-Generators* (June 23, 2017), accessed at: https://s3.amazonaws.com/dive_static/paychek/26-029_1.pdf.

1 plan limits its participants to 10,000 accounts and the limit has been reached already.
2 Under the current program parameters, new applications for participation will be
3 considered when existing participants unenroll. Under the Off-Peak Plan, all participating
4 DG customers can be credited with corresponding prices associated with season, day, and
5 time that electricity is sent to the grid.¹² In the meantime, the credits can only be applied
6 to the same TOU tier consumption. In other words, credits earned during on-peak/off-
7 peak period can only apply to consumption billed in the on-peak/off-peak period.

8 Late in 2021, Duke Energy in South Carolina – another utility located in a state
9 with a regulated retail electric market – proposed a plan called Solar TOU for its DG
10 customers that was later approved by the South Carolina Public Service Commission.
11 Similarly to the Off-Peak Plan offered by Dominion, the credits earned can be only
12 applied to the same TOU tier consumption.¹³

13 According to customer representatives from the Dominion Energy and Duke
14 Energy, these utilities provide separate TOU rate plans for their DG customers from the
15 TOU rate plans in which the non-DG customers can enroll. Nevertheless, the three major
16 utilities (Pacific Gas & Electric, Southern California Edison, San Diego Gas & Electric)
17 in California are offering their DG customers the same TOU rate plans as non-DG
18 customers. Because it is compulsory for DG customers to get service on a TOU rate plan
19 in California, customers are automatically enrolled in the basic TOU rate plan. The DG
20 customers can change to other existing TOU plans if they prefer, and may receive plan
21 information and analysis from the utilities upon request.

¹² “Off-Peak Plan,” Dominion Energy Virginia, accessed at: <https://www.dominionenergy.com/virginia/rates-and-tariffs/off-peak-plan>.

¹³ Penrod, Emily, “South Carolina to Implement Net Metering Settlement with Time-of-Use Pricing,” Utility Dive (May 21, 2021).

1 **Q. Why did these utilities choose to allow their DG customers to participate in TOU**
2 **rate plans?**

3 A. One of the primary reasons is to achieve demand response goals. As most utilities
4 recognize, TOU rates can encourage customers to consume less electricity during the on-
5 peak period. Evergy states that the TOU rate structure would help reduce coincident peak
6 demand and lower the potential risk of grid congestion. This expectation also applies to
7 DG programs. Participation in TOU rate plans encourages DG customers to consume
8 electricity from the grid during the off-peak period. At the same time, it encourages DG
9 customers to use their generated electricity during the on-peak period, to avoid paying
10 higher rates.¹⁴ Also, the time variable compensation could incentivize DG customers to
11 use less power in the on-peak period and send the electricity saved to the grid to achieve
12 greater financial returns.¹⁵ Furthermore, the mechanism of TOU rates could encourage
13 DG customers to install storage equipment like batteries or to participate in Evergy’s
14 proposed Residential Battery Storage pilot if approved, as they would be able to store
15 excess electricity generated in off-peak hours and send it to the grid during on-peak hours
16 to earn bill credits.¹⁶ The expectation is that the TOU rate structure combined with DG
17 could serve as a model for other distributed resources such as distributed batteries and
18 EVs in the future.¹⁷

¹⁴ “Illinois Net Metering,” Citizens Utility Board, accessed at: <https://www.citizensutilityboard.org/illinois-net-metering/>.

¹⁵ *Questions & Answers: How Time-of-Use Pricing Works with Interconnection to PECO’s System*, PECO: An Exelon Company (2021), accessed at: <https://www.peco.com/SiteCollectionImages/S1-Solar%20Net%20Metering%20Time%20of%20Use%2010212021.pdf>.

¹⁶ Lane, Catherine, “Duke Energy’s New Net Metering Program in SC to Reduce Solar Savings, Boost Battery Industry,” *SolarReviews* (June 25, 2021).

¹⁷ Penrod, Emily, “South Carolina to Implement Net Metering Settlement with Time-of-Use Pricing,” *Utility Dive* (May 21, 2021).

1 **Q. Do you agree with Evergy that allowing DG customers to participate in the TOU**
2 **rate plans would expose the tariff to legal challenge?**

3 A. No. Rather, I would expect a potential legal challenge if Evergy does not allow DG
4 customers to participate in the TOU rate structure. According to the Missouri Net
5 Metering and Easy Connection Act, net metered customers must be given the same rates
6 and rate structure as if they were non-net metered customers.¹⁸ While the statute indicates
7 the Legislature’s intention that all customers in the same class should be offered the same
8 rate options, Evergy’s current proposal directly contradicts that intention. It is not
9 difficult for me to imagine a net metered customer bringing a legal claim against Evergy
10 alleging that they are being offered a different rate structure than all other residential
11 customers, contrary to Section 386.890.

12 In addition, Evergy’s proposal is not consistent across the various types of
13 distributed resources. The Company proposes a TOU rate plan for EV customers, but not
14 for customers with solar or battery resources. Evergy achieves additional financial
15 benefits from encouraging the EV customers to consume electricity, even when the
16 consumption happens only during the off-peak hours. On the other hand, allowing solar
17 customers to participate in the TOU rate plans may reduce Evergy’s profits. I believe
18 consistency is necessary while making rate design decisions. The Commission should
19 consider all distributed resources (EVs, battery storage, solar PV, and others) according
20 to a consistent and comprehensive policy, regardless of potential profits for a particular

¹⁸ § 386.890.3 RSMo.: “A retail electric supplier shall:… (2) Offer to the customer-generator a tariff or contract that is *identical in electrical energy rates, rate structure, and monthly charges to the contract or tariff that the customer would be assigned if the customer were not an eligible customer-generator* but shall not charge the customer-generator any additional standby, capacity, interconnection, or other fee or charge that would not otherwise be charged if the customer were not an eligible customer-generator.” (Emphasis added.)

1 utility. These resources should be encouraged or discouraged together based on whether
2 they can lower peak demand, reduce congestion, improve reliability, and avoid the
3 potential for customer complaints of discrimination.

4 **Q. What is your conclusion and recommendation on the issue of TOU rates being
5 offered to net metered solar customers and customers with DG resources?**

6 I propose the Commission direct Evergy to conduct a comprehensive study to determine
7 how to integrate its TOU rates with customers that operate distributed resources
8 (including net metered solar PV, battery storage, electric vehicles, and others). The
9 Commission should direct Evergy to deliver the results of the study by the time of its next
10 rate case or its next triennial Integrated Resource Plan. Finally, once the issue is studied
11 thoroughly, the Commission should select a consistent policy pathway for all distributed
12 resources. This policy should not be solely dictated by utility profits, but rather should
13 take into account how resources can accomplish desirable goals of lowering peak
14 demand, improving reliability and resiliency, and avoiding the need to construct peak
15 generation capacity.

16 **Green Pricing Renewable Energy Credit Program**

17 **Q. Please briefly summarize your testimony about Evergy's Green Pricing Renewable
18 Energy Credit Program.**

19 A. In this section of my testimony, I provide my opinion on Evergy's Green Pricing
20 Renewable Energy Credit ("REC") Program, along with my recommendation for how the
21 Commission should proceed on the issue in this case.

22 **Q. Can you please describe Evergy's proposal?**

1 A. In her Direct Testimony, Kimberly Winslow discusses the REC program as part of
2 Evergy’s “Rate Modernization Plan.” Ms. Winslow positions the “Green Pricing
3 Renewables Energy Credit” program alongside the Solar Subscription Pilot (“SSP”), the
4 Low-Income Solar Subscription, and the Residential Battery Energy Storage Pilot
5 programs.¹⁹ I note Renew Missouri largely supports these other pilot programs — with
6 proposed modifications — and looks forward to their implementation.

7 Ms. Winslow describes the program as “a simplified subscription solution for
8 Evergy residential and business customers who want to offset some or all their energy
9 consumption utilizing locally sourced RECs to meet their sustainability needs.”²⁰ Ms.
10 Winslow’s testimony recognizes the goal of offering customers more choice in their
11 utility service, a sentiment with which I am in full agreement. Pricing for the program
12 (which will be updated annually) is proposed to start at \$0.0047 per kwh, so that a
13 customer who uses 1000 kWh per month would pay around \$4.70 extra per month if they
14 chose to “offset” all of their usage.²¹ The program would be offered as an “add-on” to
15 solar subscription customers.

16 **Q. How does the Green Pricing REC program differ from Evergy’s other offerings?**

17 A. The program would be in addition to the various solar subscription programs. Instead of
18 selling power directly to the customer, the program facilitates the purchase of RECs, or
19 the attributes associated with power generated from Evergy or Evergy-contracted
20 resources. As Ms. Winslow puts it, “[t]he Green Pricing REC Program allows the
21 customer to claim the benefits of renewable electricity without actually buying it.”²²

¹⁹ EFIS File No. ER-2022-0129, Doc. No. 23; EFIS File No. ER-2022-0130, Doc. No. 23.

²⁰ *Id.*

²¹ *Id.*

²² *Id.*

1 **Q. Why is this difference significant?**

2 A. The concept of “additionality” is relevant here. Evergy’s proposed REC program does
3 not involve seeking a CCN because Evergy is not planning to build any new resources for
4 the program. Ms. Winslow’s testimony admits, “[i]t is the Company’s intent to use
5 company-owned RECs that are in excess to meet Company needs for compliance first
6 before purchasing on the market.”²³ In other words, the few extra dollars customers are
7 choosing to pay each month are not being invested in new clean energy projects; instead,
8 customers are receiving certificates for power from resources that have already been
9 constructed. Residential customers may be investing their money believing they are
10 helping to support renewable energy, but their investment does not actually change their
11 utility’s power portfolio or offset fossil fuel emissions.

12 **Q. What are your concerns about the proposed program’s cost to customers?**

13 A. Evergy’s program offers customers no way to lower their bills. This is another key
14 difference from the SSP model, in which the purchased kWh offset the customers
15 consumption and offer at least the possibility of saving customers money over time. In
16 the Green Pricing REC program, customers simply pay more each month. This sends the
17 message to the public that renewable energy is an expensive luxury rooted in
18 environmentalism or other altruistic motives. But in fact, renewable technologies have
19 become some of the cheapest forms of new generation on the market.

20 According to Lazard’s Levelized Cost of Energy Analysis from October 2021,
21 utility-scale wind and utility-scale solar PV are both significantly cheaper than new

²³ *Id.*

1 natural gas combined cycle and new coal generation.²⁴ In addition, these same renewable
2 energy technologies are cost-competitive with the marginal cost of existing conventional
3 generation.²⁵ When factoring in existing Federal tax credits like the solar Investment Tax
4 Credit (“ITC”) and the wind Production Tax Credit (“PTC”), these resources become
5 even more attractive. Many utilities, including Missouri IOUs, are retiring old fossil fuel
6 generation earlier than planned and purchasing new renewable resources, creating long-
7 term savings for customers in the process.

8 At one time, RECs played a role in supporting renewable energy development
9 because renewable resources were not as competitive with traditional fossil fuel
10 generation. That is no longer the case. Now, the fact is renewables are attractive not only
11 for their clean energy characteristics, but also for economic reasons. Utility-scale wind
12 and solar are cheap. A program that charges customers more for resources that are saving
13 the utility money does not comport with common sense.

14 **Q. Beyond the concerns of additionality and cost to customers, do you have other**
15 **criticisms of Evergy’s REC program proposal?**

16 A. Evergy’s proposal would be a service already provided through the market. REC
17 purchases and retirements are used by a large variety of corporations, government
18 entities, international organizations, and individuals. Some criticize the buying and
19 selling of RECs as “greenwashing,” as it allows corporations to claim the public relations
20 benefits of sustainability while not investing in any new clean energy at all. Large
21 investor-owned utilities are only one player in the residential REC market; companies

²⁴ Jim Lazard, *Lazard Levelized Cost of Energy Analysis – Version 15.0*, pg. 2 (October 2021), accessed at: lazard.com/media/451881/lazards-levelized-cost-of-energy-version-150-vf.pdf

²⁵ *Id.* at 7.

1 like Arcadia²⁶ offer certain REC products to individuals and companies in a format
2 similar to Evergy's proposed REC program.

3 However, in regulated states, utilities are in the unique position of being the only
4 entity that can build new generation and sell power directly to customers using existing
5 infrastructure. In my opinion, utilities should focus on their area of expertise by
6 constructing new wind and solar generation and delivering the output to subscribing
7 customers. This includes continuing to expand its SSP, including extending it to low-
8 income customers and as it is proposed. But it may also include creating larger
9 subscription programs for commercial and industrial customers, facilitating Power
10 Purchase Agreements ("PPAs") between the utility and large customers with clean
11 energy objectives as well as pursuing other existing models that involve the construction
12 of new renewable resources. This is a service that can only be offered by utilities, and
13 would result in additional benefits like local workforce development, reduced reliance on
14 fossil fuel generation, and meeting the utility's carbon reduction commitments.

15 **Q. What is your conclusion and recommendation for the Commission concerning**
16 **Evergy's proposed Green Pricing REC Program?**

17 A. I recommend that the Commission not approve Evergy's proposed Green Pricing
18 Renewables Energy Credit program. Instead, the Commission should encourage the
19 Company to continue developing renewable subscription or PPA programs that offer
20 customers a way to save money and meet clean energy objectives.

21
22
²⁶ See <https://www.arcadia.com/>.

1 **Energy Burden Data Sharing**

2 **Q: Please briefly describe your testimony about energy burden data sharing.**

3 A: The purpose of my testimony as it relates to energy burden data sharing is to introduce a
4 project that Renew Missouri is pioneering on the eastern side of the state. This is a
5 concept in which local stakeholders and advocates can partner with Evergy to build out a
6 comprehensive data set that will allow external partners and the Company to better serve
7 the needs of low-income customers. Through our experience with bringing Ameren
8 Missouri (“Ameren”) on board as a partner in our work in eastern Missouri, we found it
9 is necessary to memorialize the issue in testimony so those at the Company or other
10 stakeholders, not already part of ongoing discussions, are on notice during potential
11 settlement discussions or during cross-examination. Further, Renew Missouri believes
12 this work is critical to existing and proposed matters that have or may come before the
13 Commission, and that it is therefore important to apprise the Commissioners and parties
14 to this case of the project as it relates to current issues contemplated by the PSC.

15 **Q: Please provide a summary of the ongoing project.**

16 A: In early 2022, Renew Missouri received funding from the Missouri Foundation for
17 Health to conduct a comprehensive energy burden study. Specifically, the grant proposes
18 that our organization, along with other nonprofits, conducts an analysis of disparities in
19 energy burdens across Eastern Missouri and how such burdens correlate with income,
20 race, geography, health outcomes, and other variables. This analysis also includes the
21 creation of a web tool that maps differences in energy burdens as they relate to income,
22 racial identity, health outcomes, geographic location, and other variables. This tool will
23 educate the public on how these topics are related. Further, the partners will work to

1 engage the public in order to gather input and collaborate in identifying potential
2 solutions to disparities in energy burdens. These potential solutions must be achieved
3 with the collaboration with utilities. This will, potentially, lead to seeking solutions
4 before the Commission to address such disparities as well as issues pertinent to the case
5 at bar. Low-income community solar is an example of how energy burden issues could
6 impact matters being considered by the Commission in this case. We plan to expand this
7 study into a comprehensive Energy Equity Assessment for utilities statewide, which
8 includes Evergy's Missouri service territories.

9 **Q: Who are the partners to the St. Louis project?**

10 A: Renew Missouri has partnered with Consumers Council of Missouri ("CCMO"), Ameren
11 Missouri, Spire, and a software consultant to conduct this study. The project's
12 community engagement activities are led by Jackie Hutchinson of CCMO. Our public
13 education and engagement efforts will focus on working with local organizations,
14 community leaders, utilities, and other stakeholders to create the most change. CCMO is
15 leading the efforts to create a Community Advisory Committee to this project, which will
16 include a diverse array of stakeholders charged with guiding project partners to plan and
17 conduct approximately five community education events.

18 Our software consultant will work with the partners to conduct an analysis of
19 available data to create an interactive web tool that maps disparities in energy burdens
20 and their relation to other variables. We will locate and pull relevant data from publicly
21 available reports, federal government data (including numbers from the National Housing
22 Preservation Database, the CDC, and the 2020 Census), state government data on low-
23 income program participation, as well as private data from credit bureaus, lending

1 institutions, and energy and health NGOs. Finally, we will incorporate utility-specific
2 data aggregated and provided by Ameren Missouri, Spire and, eventually, Evergy. This
3 data will include: residential customer usage, billing, arrearage and disconnection data
4 aggregated by census tract or zip code.

5 Ameren committed in its 2021 rate case to provide relevant data to this project.²⁷

6 Renew Missouri envisions utility participation in three major ways. First, the utilities can
7 assist in providing specific data that is not publicly available. This includes customer data
8 on usage (kWh), billing data (\$), arrearages, disconnections, and program adoption rates.
9 This data will be aggregated at the census tract or zip code levels to avoid privacy
10 concerns. It should be noted that this is an area – consumer data - in which the
11 Commission may weigh in on this subject. Second, the utilities will play a role in
12 community engagement efforts. These meetings provide an opportunity to distribute
13 information about available programs and to field questions from advocates and
14 community members. Finally, we will work with utilities to use this data to gain approval
15 for well-funded and geographically-focused energy efficiency programs before regulators
16 in future cases.

17 **Q: Has Renew Missouri begun discussions with Evergy about expanding this project to**
18 **the Kansas City area?**

19 **A:** Yes. Renew Missouri and Evergy staff are discussing how to replicate these efforts on the
20 western side of the state. This is an area with opportunity for meaningful collaboration
21 that will result in positive outcomes for low-income customers in Evergy’s service

²⁷ See EFIS File No. ER-2021-0240, *Unanimous Stipulation and Agreement*, submitted November 24, 2021, which states, “Ameren Missouri will work with Renew Missouri, Consumers Council, and other interested parties to this case to provide access to Residential customer usage and billing data aggregated by zip code for use in an analysis of energy burdens across Ameren Missouri territory.”

1 territory. We anticipate ongoing discussions in the next few months, but would like to
2 make the existence of these discussions known to all parties through this testimony as it
3 could have an impact on issues like low-income programs being contemplated.

4 **Q: What is your recommendation in terms of the energy burden data topic?**

5 A: Renew Missouri would like to collaborate with Evergy as a partner in this project and
6 seeks Commission approval for any matters necessary to facilitate that partnership. As
7 our agreement with Ameren Missouri was approved in a Stipulation and Agreement to its
8 last rate case, we believe it is only appropriate to have the same regulatory approval for
9 our efforts with Evergy.

10 **Q: What is your conclusion regarding energy burden data sharing?**

11 A: Renew Missouri looks forward to continuing working with Evergy to make this project a
12 reality, and hopes the Commission agrees this is a worthwhile endeavor.

13 **Q: Does this conclude your testimony?**

14 A: Yes it does.

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

In the Matter of Evergy Metro, Inc. d/b/a Evergy)
Missouri Metro's Request for Authority to)
Implement a General Rate Increase for Electric)
Service)
File No. ER-2022-0129)


In the Matter of Evergy Missouri West, Inc.)
d/b/a Evergy Missouri West's Request for)
Authority to Implement a General Rate)
Increase for Electric Service)
File No. ER-2022-0130)

AFFIDAVIT OF JAMES OWEN

) STATE OF MISSOURI)
) ss)
) COUNTY OF BOONE)

COMES NOW James Owen, and on his oath states that he is of sound mind and lawful
age; that he prepared the attached rebuttal testimony; and that the same is true and correct to the
best of his knowledge and belief.

Further the Affiant sayeth not.


James Owen
Subscribed and sworn before me this 11th day of July 2022.


Notary Public

My commission expires: 07-11-22

Mary A. Mize
Notary Public - Notary Seal
STATE OF MISSOURI
Boone County
-commission Expires: Jan. 18, 2026
Commission #12412983